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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

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12 DANIEL LEE MAYCOCK, ) Case No.: 3:24-cv-07102-JD  
13 Plaintiff, )  
14 v. )  
15 CLOUDFLARE, INC., )  
16 Defendant )  
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**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

1. PLEASE TAKE NOTICE THAT pursuant to Northern District of California Civil Local Rules  
2. 7-3(d) and 7-10, Plaintiff Daniel Lee Maycock respectfully submits this Opposition to Nonparty Movant  
3. John Doe's Ex Parte Application to Submit New Evidence (Dkt. 29). Doe seeks to introduce purportedly  
4. "new" evidence in support of his Motion to Quash Subpoena. However, this evidence was available  
5. earlier, known to Cloudflare—the named Defendant—and could have been presented at the appropriate  
6. stage of these proceedings. Instead, Doe improperly attempts to introduce this material now, essentially  
7. rehashing prior arguments already raised before this Court.
8. Should the Court permit Doe's submission, Plaintiff respectfully requests leave to file a response  
9. addressing the new material, as allowed under Local Rule 7-3(d). To permit Doe's submission without  
10. allowing Plaintiff to reply would be procedurally improper and unfairly prejudicial. Alternatively, if the

1 Court finds that Doe's submission is improper under Local Rule 7-3(d), Plaintiff respectfully requests  
2 that the Court deny Doe's request in its entirety and decline to consider the new evidence.

3.

4 **INTRODUCTION**

5. Plaintiff Daniel Lee Maycock opposes John Doe's Ex Parte Application to Submit New  
6 Evidence (Dkt. 29), which is based on factual misrepresentations, legally irrelevant claims, and  
7 inflammatory attacks. Rather than presenting genuinely new material, Doe rehashes prior arguments,  
8 forcing Plaintiff to respond to issues that have already been addressed.

9. Doe's Ex Parte Application seeks to introduce new evidence, requiring Court approval under  
10 Northern District of California Civil Local Rule 7-3(d). If the Court permits Doe's submission, Plaintiff  
11 respectfully requests leave to file a response addressing this new material, as allowed under Local Rule  
12 7-3(d). Failing to afford Plaintiff an opportunity to reply would be procedurally improper and unfairly  
13 prejudicial, as it would allow Doe to introduce new material without giving Plaintiff the right to respond.  
14 Alternatively, if the Court finds Doe's submission improper under Local Rule 7-3(d), Plaintiff  
15 respectfully requests that the Court deny Doe's request in its entirety and decline to consider the new  
16 evidence.

17. Doe seeks to undermine Plaintiff's § 1782 discovery request by arguing:

18. a. Plaintiff has no pending defamation claim in England and Wales, making the discovery request  
improper.
20. b. Plaintiff's multiple discovery applications amount to forum shopping or harassment.
21. c. Plaintiff's ESTA denial is relevant to the motion to quash.

22. 7. These arguments fail for multiple reasons.

23. 8. First, Doe misrepresents legal procedure in England and Wales. A defamation claim cannot be  
24 filed without identifying the defendant, making pre-action disclosure through Norwich Pharmacal  
25 Orders (NPOs) or § 1782 requests a legal necessity. Plaintiff has taken all appropriate steps to obtain  
26 disclosure before proceeding with full litigation, including prior NPO applications in England and Wales  
27 and the Netherlands.

1       9. Second, Plaintiff's parallel discovery applications do not constitute forum shopping. Doe has  
2 deliberately concealed their identity by changing hosting providers and remaining anonymous,  
3 necessitating disclosure efforts in multiple jurisdictions.

4       10. Finally, Doe's reliance on Plaintiff's ESTA denial is legally irrelevant. ESTA denials occur for a  
5 variety of administrative reasons and have no bearing on the merits of this case. Doe's arguments are a  
6 transparent attempt to prejudice the Court against Plaintiff rather than engaging with the legal standards  
7 governing § 1782 discovery.

8       11. For these reasons, Plaintiff respectfully requests that the Court deny Doe's Ex Parte Application  
9 in its entirety and either reject the improperly submitted new evidence under Civil Local Rule 7-3(d) or  
10 allow Plaintiff an opportunity to respond to it.

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## **I. DISCOVERY PROCEEDINGS ARE A NECESSARY STEP TOWARD A DEFAMATION**

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### **CLAIM UNDER UK LAW**

13       14. Doe argues that because Plaintiff has not formally filed a defamation claim in England and  
15 Wales, his § 1782 discovery request is improper. This mischaracterises both legal procedures in England  
16 and Wales and the role of pre-action disclosure orders, which are legally required when a defendant's  
17 identity is unknown.

18       13. Under the law of England and Wales, a defamation claim cannot proceed without identifying the  
19 defendant. A claimant must first obtain disclosure to name the responsible party. In cases involving  
20 anonymous online publications, this requires a Norwich Pharmacal Order (NPO) in England and Wales  
21 or a § 1782 request in the U.S., depending on where relevant records are held. These legal mechanisms  
22 exist precisely to enable claimants to obtain the information necessary to initiate proceedings.

23       14. As a litigant in person, Plaintiff understands that discovery and the ability to file a defamation  
24 claim are directly linked. The purpose of this disclosure request is to identify those responsible for  
25 defamatory statements, allowing Plaintiff to bring a formal defamation action in England and Wales.  
26 Without this disclosure, it is legally impossible to proceed with a defamation lawsuit.

27       15. Doe's argument that no claim is "pending" is misleading and fails to acknowledge that discovery  
28 is a legally required step before a defamation claim can be initiated. Plaintiff previously sought an NPO

1 in England and Wales (Case No. KB-2024-003082), but the application was denied on procedural  
2 grounds, not on the merits. The High Court required jurisdictional corrections concerning service of  
3 process. At the hearing, the Master of the High Court specifically advised Plaintiff to seek alternative  
4 disclosure avenues before refiling.

5 16. Following this guidance, Plaintiff and Cloudflare agreed that continuing the claim in the U.S.  
6 under § 1782 would be the most appropriate and convenient course of action for Cloudflare. Given that  
7 Cloudflare is a U.S.-based entity, seeking disclosure through the U.S. legal system is both procedurally  
8 efficient and legally appropriate. This decision aligns with the Master's ruling and ensures Plaintiff  
9 pursues all available legal avenues before refiling an NPO in England and Wales.

10 17. Doe's mischaracterization of these proceedings should be rejected.

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12 **II. PLAINTIFF'S MULTIPLE DISCOVERY APPLICATIONS ARE NECESSARY AND NOT**  
13 **FORUM SHOPPING**

14 18. Doe argues that Plaintiff's parallel discovery applications in different jurisdictions amount to  
15 forum shopping, a claim that is baseless and ignores the legal necessity of obtaining disclosure from  
16 multiple sources.

17 19. Doe has actively concealed their identity, switched hosting providers, and remains anonymous.  
18 As a result, Plaintiff has no choice but to seek disclosure from multiple entities to obtain the information  
19 needed to bring a defamation claim in England and Wales. The application to serve a claim form out of  
20 jurisdiction against ConsulHosting in the Netherlands remains active, with a hearing scheduled for April  
21 3, 2025. Doe misrepresents this application as an abuse of process, when in fact, it is a necessary and  
22 appropriate step to obtain disclosure regarding the operators of Debunking Tamworth.

23 20. Seeking multiple avenues for disclosure is not forum shopping—it is the only viable way to  
24 obtain evidence against an anonymous party who has deliberately obscured their identity.

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26 **III. DOE'S RELIANCE ON PLAINTIFF'S ESTA DENIAL IS LEGALLY IRRELEVANT**

27 21. Doe's reference to Plaintiff's ESTA denial is both improper and legally irrelevant. ESTA denials  
28 occur for a variety of reasons, including routine security checks, administrative reviews, or travel

1 history. Doe's attorney offers no evidence whatsoever to support his inflammatory insinuation that  
2 criminality played any role in the denial.

3 22. More importantly, a denied ESTA has no impact on the validity of a § 1782 discovery request.  
4 Courts have routinely granted discovery under § 1782 to applicants who were not physically present in  
5 the U.S. at the time of the request. There is no legal requirement that an applicant be admitted into the  
6 U.S. in order to obtain discovery under this statute.

7 23. Doe's misrepresentation should be disregarded entirely.

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9 **IV. DOE'S ATTORNEY'S ATTEMPTS TO INTIMIDATE PLAINTIFF**

10 24. Doe's attorney has misrepresented legal facts, resorted to personal attacks, and attempted to  
11 pressure Plaintiff into withdrawing this case rather than addressing the legal standards governing § 1782  
12 discovery.

13 25. First, Doe falsely claims that Plaintiff has no legitimate legal proceedings in England and Wales,  
14 disregarding that pre-action disclosure is required before filing a defamation claim. This deliberate  
15 misrepresentation is intended to discredit Plaintiff's lawful discovery efforts.

16 26. Second, Doe mischaracterizes Plaintiff's discovery applications as forum shopping, despite the  
17 fact that seeking disclosure in multiple jurisdictions is necessary when defendants have actively  
18 concealed their identities. These applications are not abusive but legally required steps under English  
19 law.

20 27. Third, Doe wrongly suggests that Plaintiff is a vexatious litigant, even though Plaintiff's only  
21 dismissed application in England and Wales was denied on procedural grounds, not on the merits. The  
22 High Court did not find the claim to be frivolous but instead advised Plaintiff to seek alternative  
23 disclosure before refiling—guidance that Plaintiff has followed by pursuing this § 1782 application and  
24 an application in the Netherlands, which remains under judicial review with a hearing scheduled for  
25 April 3, 2025.

26 28. Beyond legal misrepresentation, Doe's attorney has engaged in personal attacks and coercion. In  
27 direct correspondence, Doe's counsel referred to Plaintiff as a "dishonest bully," an unprofessional and  
28 inappropriate remark from an officer of the court. Additionally, Doe's attorney suggested that Plaintiff

1 should “repair his reputation” by dismissing the case, implying that continuing litigation would harm  
2 Plaintiff rather than vindicate his legal rights.

3 Finally, Doe’s attorney has weaponized the threat of attorney’s fees to deter Plaintiff from  
4 pursuing lawful discovery. These actions go beyond zealous advocacy and amount to improper litigation  
5 tactics intended to obstruct Plaintiff’s right to seek disclosure.

6 Plaintiff acknowledges that correspondence between counsel is generally subject to privilege.  
7 While Plaintiff is not legal counsel, he understands the responsibilities associated with privilege and will  
8 await the Court’s acknowledgment before making such correspondence known. If the Court deems the  
9 communications relevant, Plaintiff is willing to provide them to substantiate the claims of intimidation  
10 and misconduct.

11 Doe’s attorney’s pattern of misrepresentation and intimidation should not be condoned by this  
12 Court. These tactics are not legal arguments but deliberate efforts to obstruct a valid § 1782 discovery  
13 request.

14  
15 Respectfully submitted,

16 Dated: 20 March 2025

17 Signed: *D. Maycock*

18 Print Name: DANIEL LEE MAYCOCK